

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow. At the time of the outstanding Office Action, claims 1-5, 8-16, 19-27, 30-34 and 36-40 were pending. Claims 1, 9, 11, 12, 20, 22, 23, 31, 33, 34 and 38-40 have been amended, and claims 2-5, 13-16 and 24-27 have been cancelled. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier. After amending the claims as set forth above, claims 1, 8-12, 19-23, 30-34 and 36-40 are now pending in this application.

Prior Art Rejections:

Claims 1-7, 10-18, 21-29, 32-35, and 37-40 were rejected under 35 U.S.C. 102(b) as being anticipated by Roth (WO 98/34189). Claims 8-9, 19-20, 30-31, and 36 were rejected under 35 U.S.C. §103(a) as being obvious over Roth. These rejections are respectfully traversed for at least the following reasons.

Independent claims 1, 12 and 23 have been amended to include the subject matter of dependent claims 2-5, 13-16 and 24-27 respectively. This includes features such that “a plurality of advertisement data can be registered by a sponsor in said advertisement data registration unit for one advertisement opportunity,” and “in a case where the media determines that the plurality of advertisement data of the sponsor are appropriate for distribution on the one advertisement opportunity, said distribution accepting unit accepts an application for distribution of one advertisement data designated by the sponsor from the plurality of advertisement data, as one to be actually distributed,” and “wherein said advertisement data reception unit changes the advertisement data designated by the sponsor as one to be actually distributed with another advertisement data among the plurality of advertisement data in accordance with an instruction from the sponsor.” Independent claims 34 and 38-40 contain analogous features.

In the invention as claimed in the independent claims, the sponsor submits more than one advertisement for the advertisement opportunity, and specifically one of these ads out of the plurality is accepted to be distributed. The advertisement reception unit can then change

this advertisement to comply with an instruction from a sponsor. Thus, a plurality of advertisements are not accepted to be chosen; rather one advertisement is chosen from a plurality of advertisements, and then is substituted with another ad from that original plurality of advertisements.

Roth teaches accepting a plurality of advertisements and rotating them according to an instruction of the proposed bid. (page 26, line 6 to page 27, line 2) There is a distinct difference between rotating ads, and choosing one advertisement out of a plurality of advertisements, and then subsequently substituting that chosen advertisement with another advertisement from the plurality of advertisements based upon an instruction from the sponsor. That substitution is not taught in Roth, or in the prior art in general. Thus, if this rejection is maintained, the Examiner is respectfully requested to point out where this feature is found in Roth.

The dependent claims are also patentable for at least the same reasons as the independent claim on which they ultimately depend. In addition, they recite additional patentable features when considered as a whole.

Conclusion:

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. § 1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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